



Journal of the House

State of Indiana

115th General Assembly

Second Regular Session

Twenty-second Meeting Day

Monday Morning

February 25, 2008

Continuing its session of February 21, 2008, the House reconvened at 11:50 a.m. with Speaker B. Patrick Bauer in the Chair.

The Speaker declared a quorum in attendance.

[Journal Clerk's Note: On February 21, 2008, the twenty-first meeting day of the Second Regular Session of the 115th General Assembly, during consideration of Engrossed Senate Bill 345, members of the minority party left the Chamber, denying the House a quorum. After two separate attempts to establish a quorum without success, the House recessed until Monday, February 25, 2008.]

The Parliamentarian found that the next meeting day was February 25, 2008, for the following reason:

House Rule 1 defines "meeting day" as a day when the House convenes in session, but Rule 1 does not define "convene". Dictionary definitions of convene include "to come together in a body", "meet formally", "gather for a meeting", "meet", and "congregate".

The House did not convene in session, come together in a body, meet formally, gather for a meeting, meet, or congregate on Friday, February 22, 2008; Saturday, February 23, 2008; or Sunday, February 24, 2008. "Meeting days" do not include days when the House does not convene in session.

The House convened on Monday, February 25, 2008, thereby establishing the twenty-second meeting day.]

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House: On February 22, 2008, I signed into law House Enrolled Acts 1017 and 1051.

MITCHELL E. DANIELS, JR.
Governor

MESSAGE FROM THE PRESIDENT OF THE SENATE

Mr. Speaker and Members of the House: I have on the 22nd day of February, 2008, I signed House Enrolled Acts 1046, 1077, and 1275.

REBECCA S. SKILLMAN
President of the Senate

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 345

The second reading of Engrossed Senate Bill 345, sponsored by Representative Niezgodski, and the motion to amend by Representative Tincher (345-4) were pending.

HOUSE MOTION (Amendment 345-4)

Mr. Speaker: I move that Engrossed Senate Bill 345 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety and to make an appropriation.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-2-18 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 18. Citizenship and Immigration Status Information

Sec. 1. As used in this chapter, "governmental body" has the meaning set forth in IC 5-22-2-13.

Sec. 2. A governmental body may not enact an ordinance, a resolution, a rule, or a policy that prohibits or in any way restricts another governmental body, including a law enforcement officer (as defined in IC 5-2-1-2), a state or local official, or a state or local government employee, from taking the following actions with regard to information concerning the citizenship or immigration status, lawful or unlawful, of an individual:

- (1) Communicating or cooperating with federal officials.
- (2) Sending to or receiving information from the United States Department of Homeland Security.
- (3) Maintaining information.
- (4) Exchanging information with another federal, state, or local government entity.

Sec. 3. If a governmental body violates this chapter, a person lawfully domiciled in Indiana may bring an action to compel the governmental body to comply with this chapter."

Page 3, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 3. IC 10-11-2-21.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 21.5. (a) As used in this section, "law enforcement officer" means a:

- (1) police employee;
- (2) county sheriff;
- (3) county police officer;
- (4) county police reserve officer;
- (5) city police officer;
- (6) city police reserve officer;
- (7) town marshal;
- (8) deputy town marshal; or
- (9) member of a consolidated law enforcement department established under IC 36-3-1-5.1.

(b) The superintendent shall negotiate the terms of a memorandum of understanding between the state and the United States Department of Justice or the United States Department of Homeland Security concerning a pilot project for the enforcement of federal immigration and customs laws in Indiana.

(c) The memorandum of understanding described in subsection (b) must be signed on behalf of the state by the superintendent and governor, unless otherwise required by the United States Department of Justice or the United States Department of Homeland Security.

(d) The superintendent shall designate appropriate law enforcement officers to be trained under the memorandum of understanding described in subsection (b).

(e) The department shall apply for federal funding, as available, for the costs associated with training law enforcement officers under the memorandum of understanding described in subsection (b).

(f) A law enforcement officer certified as trained in accordance with the memorandum of understanding described in subsection (b) may enforce federal immigration and customs laws while performing within the scope of the law enforcement officer's duties.

(g) The superintendent shall coordinate efforts, as needed, with the executive director of the department of homeland security to address issues of national security in implementing this section.

SECTION 4. IC 22-1-1-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 22. (a) The department of labor shall employ a sufficient number of administrative law judges to hear and decide cases initiated by the department under IC 22-5-1.5.

(b) An administrative law judge employed by the department is subject to IC 4-21.5.

SECTION 5. IC 22-4-14-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. (a) As used in this section, "SAVE program" means the Systematic Alien Verification of Entitlements program operated by the United States Department of Homeland Security or a successor program designated by the United States Department of Homeland Security.

(b) For weeks of unemployment occurring subsequent to December 31, 1977, benefits may not be paid on the basis of services performed by an alien unless the alien is an individual who has been lawfully admitted for permanent residence at the time the services are performed, is lawfully present for purposes of performing the services, or otherwise is permanently residing in the United States under color of law at the time the services are performed (including an alien who is lawfully present in the United States as a result of the application of the provisions of Section 207, Section 208, or Section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1157 through 1158).

(1) Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits.

(2) In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to the individual are not payable because of his the individual's alien status may be made except upon a preponderance of the evidence.

(3) Any modifications to the provisions of Section 3304(a)(14) of the Federal Unemployment Tax Act, as provided by P.L. 94-566, which specify other conditions or other effective date than stated in this section for the denial of benefits based on services performed by aliens and which are required to be implemented under state law as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act, shall be considered applicable under this section.

(c) If an individual who applies for benefits is not a citizen or national of the United States, the department shall verify the lawful presence of the individual to determine the individual's eligibility for benefits through the SAVE program. The department shall implement this subsection in accordance with federal law."

Page 6, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 8. IC 22-5-1.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 1.5. Employment of Unauthorized Aliens

Sec. 1. (a) This chapter applies only to an employee that an

employer hires after June 30, 2009.

(b) Except as provided in subsection (c), this chapter does not apply to the following:

(1) A public utility (as defined in IC 8-1-2-1(a)) that is subject to regulation by the Indiana utility regulatory commission under IC 8-1-2.

(2) A hospital licensed under IC 16-21.

(3) A private psychiatric institution licensed under IC 12-25.

(4) A community mental health center identified in IC 12-29-2-1.

(5) A nonprofit corporation.

(6) A person who operates a business of transporting emergency patients by ambulance or using a nontransporting emergency medical services vehicle (as defined in IC 16-31-3-0.5).

(7) A corporation organized under IC 8-1-13.

(8) A corporation organized under IC 23-17 that is an electric cooperative and that has at least one (1) member that is a corporation organized under IC 8-1-13.

(9) A municipally owned utility (as defined in IC 8-1-2-1(h)).

(c) The entities listed in subsection (b) are subject to section 29 of this chapter.

Sec. 2. As used in this chapter, "agency" means any state or local administration, agency, authority, board, bureau, commission, committee, council, department, division, institution, office, service, or other similar body of government created or established by law that issues a license for purposes of operating a business in Indiana.

Sec. 3. As used in this chapter, "department" refers to the department of labor.

Sec. 4. As used in this chapter, "employee" means an individual who:

(1) performs services for an employer; and

(2) is an individual from whom the employer is required to withhold wages under IC 6-3-4-8 or is an employee described in IC 6-3-4-8(l).

Sec. 5. (a) As used in this chapter, "employer" means a person that:

(1) transacts business in Indiana;

(2) has a license issued by an agency; and

(3) employs one (1) or more individuals who perform employment services in Indiana.

However, if the person for whom the employee performs or performed the services does not have control of the payment of the wages for the services, the term "employer" means the person having control of the payment of wages to the employee.

(b) The term includes the state, a political subdivision (as defined in IC 3-5-2-38) of the state, and a self-employed person.

Sec. 6. As used in this chapter, "knowingly" has the meaning set forth in IC 35-41-2-2.

Sec. 7. (a) As used in this chapter, "license" means any agency permit, certificate, approval, registration, charter, or similar authorization that is:

(1) required by law; and

(2) issued by an agency;

for purposes of operating a business in Indiana.

(b) The term does not include an occupational or a professional license.

Sec. 8. As used in this chapter, "person" means an individual, a corporation, a limited liability company, a partnership, or another legal entity.

Sec. 9. As used in this chapter, "pilot program" means the employment verification pilot program administered by the United States Department of Homeland Security and the Social Security Administration, or the successor of that

program.

Sec. 10. As used in this chapter, "unauthorized alien" has the meaning set forth in 8 U.S.C. 1324a(h)(3).

Sec. 11. An employer shall not knowingly employ an unauthorized alien.

Sec. 12. (a) The attorney general may investigate a complaint filed with the attorney general that an employer knowingly employed an unauthorized alien in violation of section 11 of this chapter.

(b) In investigating a complaint under subsection (a), the attorney general shall verify the work authorization of the alleged unauthorized alien with the federal government under 8 U.S.C. 1373(c).

(c) A complaint filed with the attorney general under subsection (a) must be:

- (1) in writing; and
- (2) signed by the individual filing the complaint.

Sec. 13. A state, county, or local official or employee may not attempt to make independently a final determination as to whether an individual is authorized to work in the United States.

Sec. 14. (a) If, after an investigation, the attorney general determines that an employer has knowingly employed an unauthorized alien, the attorney general shall notify the United States Immigration and Customs Enforcement.

(b) If the attorney general determines that an employer has knowingly employed an unauthorized alien and that any defenses to knowingly employing an unauthorized alien established under this chapter do not apply, the attorney general may notify the department.

(c) The attorney general may not notify the department under subsection (b) about an unauthorized alien unless the attorney general determines that the defenses to knowingly employing an unauthorized alien established under this chapter do not apply.

Sec. 15. (a) If the attorney general notifies the department under section 14 of this chapter that an employer has knowingly employed an unauthorized alien, the department may initiate an administrative proceeding to determine if the employer has violated section 11 of this chapter.

(b) An administrative hearing under this chapter shall be conducted by an administrative law judge appointed by the department under IC 22-1-1-22.

(c) IC 4-21.5 applies to an administrative proceeding under this section.

(d) The department may initiate only one (1) administrative proceeding against an employer relating to the employment of all unauthorized aliens employed by the employer at the time the department initiates the administrative proceeding.

(e) The department may initiate an additional administrative proceeding against an employer under this section for a second or subsequent violation of section 11 of this chapter only for violations allegedly committed by the employer after the employer receives notice that the department has initiated an initial administrative proceeding against the employer under this section.

Sec. 16. If the department initiates an administrative proceeding under section 15 of this chapter, an administrative law judge may hold an administrative hearing and make a determination on an expedited basis.

Sec. 17. (a) Except as provided in sections 19 and 20 of this chapter, if an administrative law judge determines that an employer knowingly employed an unauthorized alien in violation of section 11 of this chapter, the following apply:

- (1) The administrative law judge may do the following:
 - (A) Order the employer to terminate the employment of all unauthorized aliens employed by the employer.
 - (B) Place the employer on probation for a three (3) year period. During the probationary period, the

employer shall file a quarterly report with the attorney general concerning each new individual the employer hires at the specific business location where the unauthorized alien worked.

(C) Order the employer to file a sworn affidavit signed by the employer with the department within three (3) business days after the order is issued under clause (A). The affidavit must include a statement that the employer:

- (i) has terminated the employment of all unauthorized aliens; and
- (ii) will not knowingly employ an unauthorized alien.

(2) The administrative law judge, after considering the relevant factors listed in subsection (b), may order an agency to suspend, for not more than ten (10) business days, a license described in section 18(a) of this chapter that is held by the employer.

(b) An administrative law judge may consider the following factors, if applicable, in deciding whether to order an agency to suspend an employer's license under subsection (a)(2):

- (1) The number of unauthorized aliens employed by the employer.
- (2) Any prior misconduct by the employer.
- (3) The degree of harm resulting from the violation.
- (4) The extent to which the employer made good faith efforts to comply with any applicable requirements under this chapter.
- (5) The duration of the violation.
- (6) The role of the directors, officers, or agents of the employer in the violation.
- (7) Any other factors the administrative law judge considers relevant.

Sec. 18. (a) This section applies to all licenses held by an employer:

- (1) that are necessary to operate the employer's business at the employer's business location where an unauthorized alien was employed by the employer; or
- (2) if a license is not necessary at the employer's business location described in subdivision (1), that are held by the employer for the employer's primary place of business.

(b) If an employer fails to file a sworn affidavit required under section 17(a)(1)(C) of this chapter with the department within three (3) business days after the order requiring the filing of the affidavit is issued, the administrative law judge may order the appropriate agencies to suspend all licenses that are held by the employer. All licenses suspended under this subsection may remain suspended until the employer files a sworn affidavit described in section 17(a)(1)(C) of this chapter with the department.

(c) If an employer subject to an order filed under subsection (b) files a sworn affidavit required under section 17(a)(1)(C) of this chapter, the administrative law judge may order the appropriate agencies to reinstate the employer's suspended licenses.

Sec. 19. If:

- (1) an administrative law judge determines that an employer knowingly employed an unauthorized alien in a second violation of section 11 of this chapter; and
- (2) the violation referred to in subdivision (1) occurred not later than five (5) years after the date of the initial violation;

the administrative law judge may order the appropriate agencies to suspend, for not more than ten (10) business days, all licenses described in section 18(a) of this chapter that are held by the employer.

Sec. 20. (a) If:

- (1) an administrative law judge determines that an

employer knowingly employed an unauthorized alien in a third violation of section 11 of this chapter; and
 (2) the violation referred to in subdivision (1) occurred not later than five (5) years after the date of the initial violation;

the administrative law judge may order the appropriate agencies to revoke for a period of time determined by the administrative law judge or permanently revoke all licenses held by the employer that are described in section 18(a) of this chapter.

(b) An employer may petition the governor under IC 4-21.5-3-30 to review an order issued by an administrative law judge revoking the employer's license or licenses.

Sec. 21. (a) An employer may, after the employer has exhausted all administrative and judicial remedies, request the governor to terminate or reduce the term of revocation of the employer's license or licenses under an order issued by an administrative law judge under section 20 of this chapter.

(b) The governor may terminate or reduce the term of revocation of an employer's license or licenses under an order issued by an administrative law judge under section 20 of this chapter and require the appropriate agency to reinstate the employer's license.

Sec. 22. (a) If an agency receives an order from an administrative law judge under section 17(a)(2), 18(b), or 19 of this chapter, the agency shall immediately suspend the license or licenses described in section 18(a) of this chapter that are held by the employer to which the order relates.

(b) If an agency receives an order from an administrative law judge under section 20 of this chapter, the agency shall immediately revoke the license or licenses described in section 18(a) of this chapter that are held by the employer to which the order relates.

Sec. 23. An administrative law judge shall send copies of all orders issued under sections 17, 18, 19, and 20 of this chapter to the attorney general.

Sec. 24. (a) In determining whether an individual is an unauthorized alien for purposes of this chapter, an administrative law judge may consider only the federal government's verification or status information provided under 8 U.S.C. 1373(c).

(b) The federal government's verification or status information provided under 8 U.S.C. 1373(c) creates a rebuttable presumption of an individual's lawful status.

(c) An administrative law judge may:

- (1) take notice of the federal government's verification or status information; and
- (2) request the federal government to provide automated or testimonial verification under 8 U.S.C. 1373(c).

Sec. 25. The department may not initiate an administrative proceeding against an employer under section 15 of this chapter for knowingly employing an unauthorized alien if the employer verified the employment authorization of the employed individual through the pilot program.

Sec. 26. An employer may establish as an affirmative defense against an alleged violation under section 11 of this chapter that the employer complied in good faith with the requirements of 8 U.S.C. 1324a(b).

Sec. 27. The attorney general shall:

- (1) maintain copies of orders received under section 23 of this chapter;
- (2) make the orders available on the attorney general's Internet web site; and
- (3) establish and maintain a data base of the names and addresses of the employers that have a violation under this chapter.

Sec. 28. This chapter does not require an employer to take any action that the employer believes in good faith would violate federal law.

Sec. 29. After June 30, 2009, an employer shall verify the employment eligibility of each employee of the employer through the pilot program after hiring the employee.

Sec. 30. A person who files a complaint with the attorney general under this chapter, knowing that the complaint is false or frivolous, commits a Class B misdemeanor.

Sec. 31. The suspension or revocation of a license under this chapter does not relieve an employer from an obligation to withhold, collect, or pay income tax on wages paid by the employer to an employee.

Sec. 32. This chapter shall be enforced without regard to race or national origin.

SECTION 3. IC 22-5-1.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 1.7. Public Contract for Services; Unauthorized Aliens

Sec. 1. As used in this chapter, "contractor" means a person that has or is attempting to enter into a public contract for services with a state agency or political subdivision.

Sec. 2. As used in this chapter, "person" means an individual, a corporation, a limited liability company, a partnership, or another legal entity.

Sec. 3. As used in this chapter, "political subdivision" has the meaning set forth in IC 36-1-2-13. However, the term does not include a hospital organized and operated under IC 16-22-2, IC 16-22-8, or IC 16-23.

Sec. 4. As used in this chapter, "public contract for services" means any type of agreement between a state agency or a political subdivision and a contractor for the procurement of services.

Sec. 5. As used in this chapter, "state agency" has the meaning set forth in IC 4-6-3-1.

Sec. 6. As used in this chapter, "subcontractor" means a person that:

- (1) is a party to a contract with a contractor; and
- (2) provides services for work the contractor is performing under a public contract for services.

Sec. 7. As used in this chapter, "unauthorized alien" has the meaning set forth in 8 U.S.C. 1324a(h)(3).

Sec. 8. A state agency or political subdivision may not enter into or renew a public contract for services with a contractor if the state agency or political subdivision knows that the contractor or a subcontractor of the contractor employs or contracts with an unauthorized alien.

Sec. 9. Before a state agency or political subdivision may enter into a public contract for services with a contractor, the contractor shall certify in a manner that does not violate federal law that the contractor, at the time of the certification, does not employ or contract with an unauthorized alien.

Sec. 10. (a) A contractor or a subcontractor may not knowingly employ or contract with an unauthorized alien.

(b) If a contractor or subcontractor violates this section, the state agency or political subdivision may file a complaint concerning the violation by the contractor or subcontractor with the attorney general under IC 22-5-1.5.

Sec. 11. If a contractor uses a subcontractor, the subcontractor shall certify to the contractor in a manner that does not violate federal law that the subcontractor, at the time of certification, does not employ or contract with an unauthorized alien.

Sec. 12. A contractor shall maintain on file a certification of a subcontractor under section 11 of this chapter throughout the duration of the term of a contract with the subcontractor.

Sec. 13. (a) If a contractor determines that a subcontractor is in violation of this chapter, the contractor may terminate a contract with the subcontractor for the violation.

(b) A contract terminated under subsection (a) for a violation of this chapter by a subcontractor may not be considered a breach of contract by the contractor or the subcontractor.

(c) A subcontractor may file an action with a circuit or superior court having jurisdiction in the county to challenge a termination of a contract under subsection (a) not later than twenty (20) days after the contractor terminates the contract with the subcontractor."

Page 8, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 13. IC 34-30-2-87.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 87.3. IC 22-5-1.5-25 (Concerning certain employers that employ unauthorized aliens).

SECTION 4. [EFFECTIVE JULY 1, 2009] The department of labor may initiate an administrative proceeding against an employer under IC 22-5-1.5-15, as added by this act, only for a violation of IC 22-5-1.5-11, as added by this act, that occurs after June 30, 2009.

SECTION 5. [EFFECTIVE JULY 1, 2008] (a) The attorney general may request funding to implement IC 22-5-1.5-12, as added by this act, in the next biennial budget submission.

(b) This SECTION expires July 1, 2012.

SECTION 6. [EFFECTIVE JULY 1, 2008] (a) As used in this SECTION, "law enforcement officer" has the meaning set forth in IC 10-11-2-21.5, as added by this act.

(b) There is appropriated to the state police department one million dollars (\$1,000,000) from the state general fund for the state police department's use in training law enforcement officers under a memorandum of understanding entered into under IC 10-11-2-21.5, as added by this act.

(c) Money appropriated by this SECTION does not revert to the state general fund at the close of any fiscal year, but remains available for the use of the state police department until the provisions of IC 10-11-2-21.5, as added by this act, are fulfilled.

SECTION 7. [EFFECTIVE JULY 1, 2008] (a) The definitions in IC 22-5-1.5, as added by this act, apply throughout this SECTION.

(b) There is appropriated to the attorney general five hundred thousand dollars (\$500,000) from the state general fund for the attorney general's use in investigating complaints filed with the attorney general under IC 22-5-1.5-12, as added by this act, that an employer knowingly employed an unauthorized alien in violation of IC 22-5-1.5-11, as added by this act.

(c) Money appropriated by this SECTION does not revert to the state general fund at the close of any fiscal year, but remains available for use by the attorney general until the provisions of IC 22-5-1.5, as added by this act, are fulfilled.

SECTION 8. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "commission" refers to the commission on Hispanic/Latino affairs established by IC 4-23-28-2.

(b) The commission shall study and prepare a report on:

- (1) the requirements a person must meet to qualify for naturalization; and
- (2) the process by which United States citizenship is conferred upon a person.

(c) The commission shall submit the report prepared in accordance with subsection (b) to the legislative council in an electronic format under IC 5-14-6 before July 1, 2009.

(d) There is appropriated to the commission fifty thousand dollars (\$50,000) from the state general fund for the commission's use in studying and preparing a report on the topics listed in subsection (b). Any amount of the appropriated funds under this subsection that is not used or encumbered reverts to the state general fund after June 30, 2009.

(e) This SECTION expires January 1, 2010.

SECTION 9. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "commission" refers to the commission established under subsection (b).

(b) The immigration cost impact commission is established.

(c) The commission consists of the following members:

- (1) The executive director of the department of homeland security or the director's designee.
- (2) The commissioner of the department of labor or the commissioner's designee.
- (3) The chairperson of the commission on Hispanic/Latino affairs established by IC 4-23-28-2 or the chairperson's designee who is a member of the commission on Hispanic/Latino affairs.
- (4) The secretary of family and social services or the secretary's designee.
- (5) The state superintendent of public instruction or the state superintendent's designee.
- (6) The commissioner of the department of correction or the commissioner's designee.
- (7) A representative of the business community.
- (8) A representative of organized labor.
- (9) A representative of hospital associations.
- (10) Two (2) members of the senate, who may not be affiliated with the same political party, to be appointed by the president pro tempore of the senate.
- (11) Two (2) members of the house of representatives, who may not be affiliated with the same political party, to be appointed by the speaker of the house of representatives.

The governor shall appoint the members designated by subdivisions (7) through (9).

(d) The members of the commission shall select one (1) of the appointed members to serve as chairperson and one (1) of the appointed members to serve as vice chairperson.

(e) The commission shall meet at the call of the chairperson. The commission shall meet at least one (1) time quarterly.

(f) The affirmative votes of a majority of the voting members appointed to the commission are required by the commission to take action on any measure, including a final report.

(g) Each member of the commission who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(h) Each member of the commission who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(i) The commission shall study and prepare a report on the following:

- (1) The financial impact of individuals who are unlawfully present in the United States on the following in Indiana:

- (A) Education.
- (B) Health care.
- (C) The criminal justice system, including court and attorney costs and costs of incarceration.
- (D) Welfare.

- (2) The impact of individuals who are unlawfully present in the United States on the following in Indiana:

(A) Wages.

(B) State and local agencies and offices that issue or are required to check identification.

(3) Issues related to the following:

(A) The state's authority and responsibility concerning a child who:

(i) is a United States citizen; and

(ii) has a parent who was or both parents who were deported for violation of immigration laws.

(B) The societal and familial impact of deportation of a family member.

(j) The commission shall submit the report prepared in accordance with subsection (i) to the legislative council in an electronic format under IC 5-14-6 before July 1, 2009.

(k) There is appropriated to the commission fifty thousand dollars (\$50,000) from the state general fund for the commission's use in studying and preparing a report on the topics listed in subsection (i). Any amount of the appropriated funds under this subsection that is not used or encumbered reverts to the state general fund after June 30, 2009.

(l) This SECTION expires January 1, 2010."

Renumber all SECTIONS consecutively.

(Reference is to ESB 345 as printed February 15, 2008.)

TINCHER

Motion prevailed.

HOUSE MOTION

(Amendment 345-1)

Mr. Speaker: I move that Engrossed Senate Bill 345 be amended to read as follows:

Page 5, between lines 30 and 31, begin a new paragraph and insert:

"(m) An:

(1) officer or employee of the department; or

(2) officer or employee of a person or entity that is acting on behalf of the department;

who knowingly or intentionally discloses for a purpose other than the collection of unpaid final assessments described in subsection (b)(2) information provided by a financial institution that is confidential under this section commits a Class A misdemeanor."

(Reference is to ESB 345 as printed February 15, 2008.)

DAVIS

Motion prevailed.

HOUSE MOTION

(Amendment 345-2)

Mr. Speaker: I move that Engrossed Senate Bill 345 be amended to read as follows:

Page 8, between lines 26 and 27, begin a new paragraph and insert the following:

"SECTION 7. IC 34-55-10-2, AS AMENDED BY P.L.179-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) This section does not apply to judgments obtained before October 1, 1977.

(b) The amount of each exemption under subsection (c) applies until a rule is adopted by the department of financial institutions under section 2.5 of this chapter.

(c) The following property of a debtor domiciled in Indiana is exempt:

(1) Real estate or personal property constituting the personal or family residence of the debtor or a dependent of the debtor, or estates or rights in that real estate or personal property, of not more than fifteen thousand dollars (\$15,000). The exemption under this subdivision is individually available to joint debtors concerning property held by them as tenants by the entireties.

(2) Other real estate or tangible personal property of eight thousand dollars (\$8,000).

(3) Intangible personal property, including choses in action, deposit accounts, and cash (but excluding debts owing and income owing), of three hundred dollars (\$300).

(4) Professionally prescribed health aids for the debtor or a dependent of the debtor.

(5) Any interest that the debtor has in real estate held as a tenant by the entireties. The exemption under this subdivision does not apply to a debt for which the debtor and the debtor's spouse are jointly liable.

(6) An interest, whether vested or not, that the debtor has in a retirement plan or fund to the extent of:

(A) contributions, or portions of contributions, that were made to the retirement plan or fund by or on behalf of the debtor or the debtor's spouse:

(i) which were not subject to federal income taxation to the debtor at the time of the contribution; or

(ii) which are made to an individual retirement account in the manner prescribed by Section 408A of the Internal Revenue Code of 1986;

(B) earnings on contributions made under clause (A) that are not subject to federal income taxation at the time of the levy; and

(C) roll-overs of contributions made under clause (A) that are not subject to federal income taxation at the time of the levy.

(7) Money that is in a medical care savings account established under IC 6-8-11.

(8) Money that is in a health savings account established under Section 223 of the Internal Revenue Code of 1986.

~~(8)~~ (9) Any interest the debtor has in a qualified tuition program, as defined in Section 529(b) of the Internal Revenue Code of 1986, but only to the extent funds in the program are not attributable to:

(A) excess contributions, as described in Section 529(b)(6) of the Internal Revenue Code of 1986, and earnings on the excess contributions;

(B) contributions made by the debtor within one (1) year before the date of the levy or the date a bankruptcy petition is filed by or against the debtor, and earnings on the contributions; or

(C) the excess over five thousand dollars (\$5,000) of aggregate contributions made by the debtor for all programs under this subdivision and education savings accounts under subdivision (9) having the same designated beneficiary:

(i) not later than one (1) year before; and

(ii) not earlier than two (2) years before;

the date of the levy or the date a bankruptcy petition is filed by or against the debtor, and earnings on the aggregate contributions.

~~(9)~~ (10) Any interest the debtor has in an education savings account, as defined in Section 530(b) of the Internal Revenue Code of 1986, but only to the extent funds in the account are not attributable to:

(A) excess contributions, as described in Section 4973(e) of the Internal Revenue Code of 1986, and earnings on the excess contributions;

(B) contributions made by the debtor within one (1) year before the date of the levy or the date a bankruptcy petition is filed by or against the debtor, and earnings on the contributions; or

(C) the excess over five thousand dollars (\$5,000) of aggregate contributions made by the debtor for all accounts under this subdivision and qualified tuition programs under subdivision (8) having the same designated beneficiary:

- (i) not later than one (1) year before; and
 - (ii) not earlier than two (2) years before;
- the date of the levy or the date a bankruptcy petition is filed by or against the debtor, and earnings on the excess contributions.

~~(10)~~ (11) The debtor's interest in a refund or a credit received or to be received under section 32 of the Internal Revenue Code of 1986.

(d) A bankruptcy proceeding that results in the ownership by the bankruptcy estate of a debtor's interest in property held in a tenancy by the entirety does not result in a severance of the tenancy by the entirety.

(e) Real estate or personal property upon which a debtor has voluntarily granted a lien is not, to the extent of the balance due on the debt secured by the lien:

- (1) subject to this chapter; or
- (2) exempt from levy or sale on execution or any other final process from a court."

Renumber all SECTIONS consecutively.

(Reference is to ESB 345 as printed February 15, 2008.)

FOLEY

Motion prevailed. The bill was ordered engrossed.

PROTEST

We, the House Republican Caucus, protest the actions of the Speaker of the House and the House Democrat majority regarding the blatant disregard of House Rules on Thursday, February 21, 2008, as is our right under the Indiana Constitution Article 4, Section 26, and we hereby submit this protest with the accompanying reasons for entry into the House Journal.

The first House Rule violation which occurred was the Speaker's determination that a pending committee report was not a bill pending before the House. For purposes of the Bill Pending rule (House Rule 118), the Speaker determined that a committee report, sitting on his desk and eligible for action by the House, was not pending before the body. This decision defies logic and the House Rules and was made for purely self-serving political purposes.

Then, the Speaker took the unprecedented action of ruling that the language of the amendment, substantially contained in a committee report, was germane to a bill, in clear violation of House Rule 80. The bill, which deals with collection of unemployment contributions, has nothing whatsoever to do with illegal immigration, which was the sole subject of the amendment. Again, this action was taken in clear violation of a long-standing House Rule, and again defies logic and tradition.

The House minority then made a motion to make Senate Bill 345 a special order of business on Monday, February 25, 2008, to allow the minority an opportunity to file amendments related to illegal immigration. This motion was made because, as discussed above, several amendments to Senate Bill 345 were filed by members of the Democrat majority regarding illegal immigration, an issue totally unrelated to Senate Bill 345; in doing so, the majority deprived the minority of its opportunity to file amendments on this important issue. The minority made this request so that it might have the opportunity, as the majority did, to file amendments related to illegal immigration on this bill. The language the minority sought to file as an amendment was also contained in a Minority Report, timely filed with the Clerk's office on Monday, February 18. However, the majority did not want to consider the minority's language, so it filed the language contained in Senate Bill 335 as an amendment on another bill in order to circumvent the process and deny the minority its rights.

When the motion to make Senate Bill 345 a special order of business failed, the minority attempted to challenge the appropriateness of Amendment 4 to Senate Bill 345 on both Bill Pending (House Rule 118) and Germaneness (House Rule 80)

grounds without success. When these points of order were ruled "not well taken," the minority convened in caucus to discuss the egregious violations of House Rules that were occurring.

When a quorum call failed, the Speaker recessed the House until Monday, February 25, 2008, rather than adjourning. This semantic difference is now the basis of his logic for ruling that Thursday, February 21, 2008 is the same session day as Monday, February 25, 2008. In making this decision, the Speaker disregards several long-standing House Rules, including:

- House Rule 3, Quorum;
- House Rule 4, Power of Less Than a Quorum to Compel Attendance;
- House Rule 77, Absence of a Quorum;
- House Rule 141, Calendar of Bills; and
- House Rule 146.2, Third Reading Eligibility.

In ruling that February 21, 2008 and February 25, 2008 are the same "session day," the Speaker has continued to prevent the minority from filing amendments on any bills pending on Thursday's calendar. By claiming that Thursday's calendar could roll to Monday and continue the same session day, the Speaker has attempted to reorder time. This is, of course, impossible. But, the Speaker nonetheless has made this claim, further arguing that Thursday's amendment deadline of 11:00 a.m. applies to Monday's convening time. However, instead of allowing amendments to be filed and permitting the House members to argue Rule issues on the floor, the Speaker insisted that the Clerk's office staff not appear for work until after the 8:00 a.m. filing deadline. He also instructed the Clerk not to accept any amendments.

By choosing to conduct business in this manner, the majority is not only breaking House Rules and protocols, but it effectively denies half of the population its opportunity to weigh in on an issue that is important to Hoosiers statewide. Further, these actions deny the minority a voice in the legislative process. A cornerstone of both the United States and Indiana Constitutions is protecting the voice of the minority. Today, this tenet, and others, are flagrantly discarded for partisan gain. We have heard the rhetoric that the majority is interested in "policy, not politics." But, if that were true, the majority would have delayed debate on this bill one legislative day and allowed the minority an opportunity to have a voice through the amendment process. Such absurd actions are unprecedented before the House and are an embarrassment to this institution.

Despite these deplorable House Rule violations, the minority feels compelled to continue on for the sake of Hoosier taxpayers and the hope of permanent property tax reform. The issues facing this body are so very crucial, that we must assume the yoke of leadership, even from the minority, and to lead in such a way that the citizens of our state know that we have not put aside the matters most important to them. We only wish the majority felt compelled to join us.

Respectfully submitted,
BOSMA

Cosigned by Representatives Behning, Bell, Borders, Borrer, T. Brown, Buck, Buell, Burton, Cherry, Crouch, Davis, Dermody, Dodge, Duncan, Eberhart, Elrod, Espich, Foley, Friend, Frizzell, Gutwein, T. Harris, Hinkle, Knollman, Koch, Lehe, Leonard, Lutz, McClain, Murphy, Neese, Noe, Pond, Richardson, Ripley, Ruppel, Saunders, M. Smith, Soliday, Steuerwald, Stutzman, Thomas, Thompson, Torr, Turner, Ulmer, Walorski, and Wolkins.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that Senate Joint Resolution 1 be made

a special order of business on Tuesday, February 26, 2008, at 1:30 p.m.

BOSMA

After discussion, Representative Dobis moved the previous question. Upon request of Representatives Bosma and Friend, the Speaker ordered the roll of the House to be called. Roll Call 212: yeas 51, nays 48. The previous question was called.

The question was on the motion of Representative Bosma. Upon request of Representatives Bosma and Friend, the Speaker ordered the roll of the House to be called. Roll Call 213: yeas 49, nays 50. Motion failed.

With consent of the members, the Speaker returned to bills on second reading.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 269

Representative Fry called down Engrossed Senate Bill 269 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Dobis.

Engrossed Senate Bill 235

Representative Pierce called down Engrossed Senate Bill 235 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 235-1)

Mr. Speaker: I move that Engrossed Senate Bill 235 be amended to read as follows:

Page 1, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 2. IC 3-7-29-1, AS AMENDED BY P.L.81-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Not later than ten (10) days before the election at which the registration record is to be used, the county voter registration office shall prepare certified copies of the list of registered voters for each precinct in the county.

(b) The lists must contain the following information concerning each registered voter:

(1) The ~~voter's~~ full name. ~~of the voter.~~

(2) The voter's date of birth.

~~(2) (3) The voter's address. of the voter.~~

~~(3) (4) The assigned county voter's voter~~ identification number.

~~(4) (5) Whether the voter is required to provide additional~~ identification before voting either in person or by absentee ballot.

(c) The names shall be arranged in the same order as they are in the registration record of the precinct."

Page 6, line 2, delete "that is confidential under IC 3-7." and insert:

"other than information provided on the certified list of voters prepared under IC 3-7-29-1."

Renumber all SECTIONS consecutively.

(Reference is to ESB 235 as printed February 15, 2008.)

RICHARDSON

Motion prevailed.

HOUSE MOTION (Amendment 235-2)

Mr. Speaker: I move that Engrossed Senate Bill 235 be amended to read as follows:

Page 1, delete lines 8 through 17.

Delete pages 2 through 4.

Page 5, delete lines 1 through 30.

Page 6, delete lines 3 through 42.

Page 7, delete lines 1 through 41.

Renumber all SECTIONS consecutively.

(Reference is to ESB 235 as printed February 15, 2008.)

LEHE

Upon request of Representatives Lehe and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 214: yeas 47, nays 51. Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 213

Representative Stilwell called down Engrossed Senate Bill 213 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 213-5)

Mr. Speaker: I move that Engrossed Senate Bill 213 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 8-1-2-125 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 125. (a) As used in this section, "not-for-profit utility" means a public water or sewer utility that:

(1) does not have shareholders;

(2) does not engage in any activities for the profit of its trustees, directors, incorporators, or members; and

(3) is organized and conducts its affairs for purposes other than the pecuniary gain of its trustees, directors, incorporators, or members.

(b) A not-for-profit utility shall be required to furnish reasonably adequate services and facilities. ~~The charge made by any~~ A not-for-profit utility is entitled:

(1) to charge nondiscriminatory, reasonable, and just charges for any service rendered or to be rendered, either directly or in connection with the service; ~~must be nondiscriminatory, reasonable, and just; and~~

(2) to the remedies set forth in section 125.1 of this chapter if the charges described in subdivision (1) are not paid within sixty (60) days after they become due.

Each discriminatory, unjust, or unreasonable charge for the service is prohibited and unlawful.

(c) A reasonable and just charge for water or sewer service within the meaning of this section is a charge that will produce sufficient revenue to pay all legal and other necessary expense incident to the operation of the not-for-profit utility's system, including the following:

(1) Maintenance and repair costs.

(2) Operating charges.

(3) Interest charges on bonds or other obligations.

(4) Provision for a sinking fund for the liquidation of bonds or other evidences of indebtedness.

(5) Provision for a debt service reserve for bonds or other obligations in an amount not to exceed the maximum annual debt service on the bonds or obligations.

(6) Provision of adequate funds to be used as working capital.

(7) Provision for making extensions and replacements.

(8) The payment of any taxes that may be assessed against the not-for-profit utility or its property.

The charges must produce an income sufficient to maintain the not-for-profit utility's property in sound physical and financial condition to render adequate and efficient service. A rate too low

to meet these requirements is unlawful.

(d) Except as provided in subsection (e), a not-for-profit public sewer utility may require connection to its sewer system of property producing sewage or similar waste and require the discontinuance of use of privies, cesspools, septic tanks, and similar structures, if:

- (1) there is an available sanitary sewer within three hundred (300) feet of the property line; and
- (2) the utility has given written notice by certified mail to the property owner at the address of the property at least ninety (90) days before the date for connection stated in the notice.

(e) A ~~not-for-profit~~ **not-for-profit** sewer utility may not require connection to its sewer system of property producing sewage or similar waste and require the discontinuance of use of privies, cesspools, septic tanks, and similar structures if the source of the waste is more than five hundred (500) feet from the point of connection to its sewer system.

SECTION 2. IC 8-1-2-125.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 125.1. (a) As used in this section, "not-for-profit sewer utility" refers to a not-for-profit utility (as defined in section 125(a) of this chapter) that:**

- (1) is established to provide sewage disposal service (as defined in section 89(a)(1) of this chapter); and
- (2) holds a certificate of territorial authority as required by section 89 of this chapter.

(b) Subject to subsection (c), if any charges assessed under section 125(b) of this chapter by a not-for-profit sewer utility are not paid within sixty (60) days after they become due:

- (1) the amount, together with a penalty of ten percent (10%) and a reasonable attorney's fee, may be recovered by the not-for-profit sewer utility in a civil action in the name of the not-for-profit sewer utility from the delinquent user or owner of the property served by the utility's sewage works; and
- (2) the not-for-profit sewer utility may require that a water utility providing water service to a delinquent user discontinue service until payment of all overdue charges, together with any penalty allowed under subdivision (1), are received by the not-for-profit sewer utility.

(c) If charges assessed under section 125(b) of this chapter by a not-for-profit sewer utility are not paid within sixty (60) days after they become due, the not-for-profit sewer utility or the utility's designee shall send notice to the delinquent user stating:

- (1) the delinquent amount due, together with any penalty;
- (2) that:
 - (A) water service may be disconnected;
 - (B) the not-for-profit sewer utility may bring a civil action to recover the amount due, together with any penalty and a reasonable attorney's fee; or
 - (C) both of the actions described in clauses (A) and (B) may be taken;

if the user continues not to pay the delinquency and any penalty; and

- (3) the procedure for resolving disputed bills.

The not-for-profit sewer utility shall adopt a procedure for resolving disputed bills, as described in subdivision (3), that includes an opportunity for a delinquent user to meet informally with designated personnel empowered to correct incorrect charges. Payment of a disputed bill and penalties by a user does not constitute a waiver of rights to subsequently claim and recover from the not-for-profit sewer utility sums improperly charged to the user.

(d) If the user fails to pay the delinquent amount or otherwise fails to resolve the charges as specified under

subsection (c), the not-for-profit sewer utility or the utility's designee shall give written notice to the water utility serving the user to discontinue water service to the premises designated in the notice until notified otherwise. The notice must identify the delinquent user in enough detail to enable the water utility to identify the water service connection that is to be terminated. Upon receipt of the notice, the water utility shall disconnect water service to the user.

(e) Water service may not be shut off under this section if a local board of health has found and certified to the not-for-profit sewer utility that the termination of water service will endanger the health of the user and others in or near the territory served by the not-for-profit sewer utility.

(f) A water utility that discontinues water service in accordance with an order from a not-for-profit sewer utility or the not-for-profit sewer utility's designee does not incur any liability except to the extent of the water utility's own negligence or improper conduct.

(g) If the water utility does not discontinue service within thirty (30) days after receiving notice from the not-for-profit sewer utility, the water utility is liable for any sewer rates or charges that are:

- (1) incurred thirty (30) days after the water utility's receipt of notice to discontinue water service; and
- (2) not collected from the user.

(h) In addition to the penalties set forth in subsection (b), a delinquent user may not discharge water into the not-for-profit sewer utility's sewers and may have the property disconnected from the not-for-profit sewer utility's sewers."

Page 2, line 3, delete "that water service may be disconnected if the user" and insert "that:

- (A) water service may be disconnected;
- (B) the board may bring a civil action to recover the amount due, together with any penalty and a reasonable attorney's fee; or
- (C) both of the actions described in clauses (A) and (B) may be taken;

if the user continues not to pay the delinquency and any penalty; and"

Page 2, delete line 4.

Page 2, line 12, delete "If the user fails to pay the delinquent amount or otherwise" and insert "If:

- (1) the user fails to pay the delinquent amount or otherwise fails to resolve the charges as specified under subsection (d); and
- (2) the board opts to require that a water utility providing water service to the user discontinue water service to the user, as authorized by subsection (c);

the".

Page 2, delete line 13.

Page 2, run in lines 12 through 14.

Page 2, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 4. IC 34-30-2-23.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 23.5. IC 8-1-2-125.1(f) (Concerning discontinuance of water service by a water utility)."**

Page 2, line 41, before "IC 13-26-11-14.5(g)" insert "Sec. 51.9."

Renumber all SECTIONS consecutively.

(Reference is to ESB 213 as printed February 15, 2008.)

WELCH

Representative Foley rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was not well taken.

The question was on the motion of Representative Welch (213-5). Motion prevailed.

HOUSE MOTION
(Amendment 213-6)

Mr. Speaker: I move that Engrossed Senate Bill 213 be amended to read as follows:

Page 1, line 4, delete "one hundred" and insert "**two thousand five hundred (2,500)**".

Page 1, line 5, delete "twenty-five (125)".

Page 2, line 41, before "IC 13-26-11-14.4(g)" insert "**Sec. 51.9.**".

(Reference is to ESB 213 as printed February 15, 2008.)

WELCH

After discussion, Representative Welch withdrew the motion.

HOUSE MOTION
(Amendment 213-2)

Mr. Speaker: I move that Engrossed Senate Bill 213 be amended to read as follows:

Page 1, line 11, after "works." insert "**A civil action authorized by this subsection may be filed on the small claims docket of a court that has jurisdiction.**".

Page 1, delete lines 12 through 15.

Page 1, line 16, delete "(d)" and insert "(c)".

Page 2, line 3, delete "water service may be disconnected" and insert "**the board may bring a civil action to recover the amount due, together with any penalty and a reasonable attorney's fee,**".

Page 2, line 12, delete "(c)" and insert "(d)".

Page 2, line 13, delete "(d)," and insert "(c)".

Page 2, line 14, delete "or the board's designee shall give written notice to the water" and insert "**may initiate a civil action as authorized by subsection (b).**".

Page 2, delete lines 15 through 34.

Page 2, line 35, delete "(i)" and insert "(e)".

Page 2, line 35, delete "subsections (b) and (c)" and insert "**subsection (b).**".

Page 2, delete lines 39 through 42.

(Reference is to ESB 213 as printed February 15, 2008.)

WOLKINS

Motion prevailed.

HOUSE MOTION
(Amendment 213-7)

Mr. Speaker: I move that Engrossed Senate Bill 213 be amended to read as follows:

Page 1, line 4, delete "one hundred" and insert "**three hundred fifty (350)**".

Page 1, line 5, delete "twenty-five (125)".

Page 2, line 41, before "IC 13-26-11-14.5(g)" insert "**Sec. 51.9.**".

(Reference is to ESB 213 as printed February 15, 2008.)

EBERHART

Motion prevailed.

HOUSE MOTION
(Amendment 213-10)

Mr. Speaker: I move that Engrossed Senate Bill 213 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Page 2, after line 42, begin a new paragraph and insert:

"SECTION 3. IC 36-6-6-13.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13.5. (a) A special meeting may be held by the legislative body if the executive, the chairman of the legislative body, or a majority of the members of the legislative body issue a written notice of the meeting to each member of the legislative body. The notice must state the time, place, and purpose of the meeting.

(b) The legislative body may consider any matter at a special meeting. However, the only matters that may be acted on at the special meeting are the matters set forth in the notice.

SECTION 4. IC 36-6-6-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) A special meeting may be held by the legislative body if the executive, the chairman of the legislative body, or a majority of the members of the legislative body issue a written notice of the meeting to each member of the legislative body. The notice must state the time, place, and purpose of the meeting.

(b) At the any special meeting, if two (2) or more members give their consent, the legislative body may determine whether there is ~~an~~ a need for fire and emergency services or other emergency requiring the expenditure of money not included in the township's budget estimates and levy.

(b) Subject to section 14.5 of this chapter, if the legislative body finds that ~~such an~~ a need for fire and emergency services or other emergency exists, it may issue a special order, entered and signed on the record, authorizing the executive to borrow a specified amount of money sufficient to meet the emergency.

(c) Notwithstanding IC 36-8-13-4(a), the legislative body may authorize the executive to borrow a specified sum from a township fund other than the township firefighting fund if the legislative body finds that the emergency requiring the expenditure of money is related to paying the operating expenses of a township fire department or a volunteer fire department. At its next annual session, the legislative body shall cover the debt created by making a levy to the credit of the fund for which the amount was borrowed under this subsection.

(d) In determining whether a fire and emergency services need exists requiring the expenditure of money not included in the township's budget estimates and levy, the legislative body and any reviewing authority considering the approval of the additional borrowing shall consider the following factors:

(1) The current and projected certified and noncertified public safety payroll needs of the township.

(2) The current and projected need for fire and emergency services within the jurisdiction served by the township.

(3) Any applicable national standards or recommendations for the provision of fire protection and emergency services.

(4) Current and projected growth in the number of residents and other citizens served by the township, emergency service runs, certified and noncertified personnel, and other appropriate measures of public safety needs in the jurisdiction served by the township.

(5) Salary comparisons for certified and noncertified public safety personnel in the township and other surrounding or comparable jurisdictions.

(6) Prior annual expenditures for fire and emergency services, including all amounts budgeted under this chapter.

(7) Current and projected growth in the assessed value of property requiring protection in the jurisdiction served by the township.

(8) Other factors directly related to the provision of public safety within the jurisdiction served by the township.

(e) In the event the township received additional funds under this chapter in the immediately preceding budget year for an approved expenditure, any reviewing authority shall take into consideration the use of the fund in the immediately preceding budget year and the continued need for funding the services and operations to be funded with the proceeds of the loan.

SECTION 5. IC 36-6-6-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) If the

legislative body finds that an emergency requires the borrowing of money to meet the township's current expenses, it may take out temporary loans in an amount not more than ~~fifty eight~~ percent (50%) **(80%)** of the total anticipated revenue for the remainder of the year in which the loans are taken out.

(b) The legislative body must authorize the temporary loans by a resolution:

- (1) stating the nature of the consideration for the loans;
- (2) stating the time the loans are payable;
- (3) stating the place the loans are payable;
- (4) stating a rate of interest;
- (5) stating the anticipated revenues on which the loans are based and out of which they are payable; and
- (6) appropriating a sufficient amount of the anticipated revenues on which the loans are based and out of which they are payable for the payment of the loans.

(c) The loans must be evidenced by time warrants of the township stating:

- (1) the nature of the consideration;
- (2) the time payable;
- (3) the place payable; and
- (4) the anticipated revenues on which they are based and out of which they are payable.

SECTION 6. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to ESB 213 as printed February 15, 2008.)

BOSMA

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 28

Representative VanHaften called down Engrossed Senate Bill 78 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 78-1)

Mr. Speaker: I move that Engrossed Bill 78 be amended to read as follows:

Page 10, between lines 17 and 18, begin a new line block indented and insert:

"(5) In the case of a power of attorney signed at the direction of the principal, the notary must state that the individual who signed the power of attorney on behalf of the principal did so at the principal's direction."

(Reference is to ESB 78 as printed February 15, 2008.)

ULMER

Motion prevailed.

HOUSE MOTION (Amendment 78-4)

Mr. Speaker: I move that Engrossed Senate Bill 78 be amended to read as follows:

Page 3, line 34, after "interest" insert **", including a future interest,"**.

Page 4, between lines 3 and 4, begin a new line blocked left and insert:

"If more than one (1) individual resides on property owned by a trust and the individuals are not married to each other, reside in separate dwellings, are either a grantor of the trust with a right to reside on the trust property rent free or an individual with a beneficial interest in the trust, and would each qualify for a credit if the land on which each individual's dwelling is located was separately owned by the individual, each individual is entitled to a separate homestead credit for the part of the trust property that is used by each individual as the individual's homestead."

(Reference is to ESB 78 as printed February 15, 2008.)

SAUNDERS

Motion prevailed.

HOUSE MOTION (Amendment 78-3)

Mr. Speaker: I move that Engrossed Senate Bill 78 be amended to read as follows:

Page 6, line 22, delete "while the child was alive of:" and insert **"of causing the death of the other parent by:"**.

Page 6, line 23, delete "35-42-1-1)" and insert **"35-42-1-1);"**.

Page 6, line 23, delete "or", begin a new line double block indented and insert:

"(B)".

Page 6, line 24, delete "in Indiana; or" and insert **";"**.

Page 6, line 25, delete "(B)" and insert **"(C) another criminal act, if the death does not result from the operation of a vehicle; or
(D)".**

Page 6, line 27, delete "murder or voluntary manslaughter;" and insert **"a crime listed in clauses (A) through (C);"**.

(Reference is to ESB 78 as printed February 15, 2008.)

TYLER

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 28

Representative C. Brown called down Engrossed Senate Bill 28 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 28-1)

Mr. Speaker: I move that Engrossed Senate Bill 28 be amended to read as follows:

Page 11, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 2. IC 24-3-5-4, AS AMENDED BY P.L.160-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. Subject to section 4.5 of this chapter, a merchant may not mail or ship cigarettes as part of a delivery sale unless, before mailing or shipping the cigarettes, the merchant:

(1) obtains from the prospective customer a written statement signed by the prospective customer under penalty of perjury:

(A) providing the prospective customer's address and date of birth;

(B) advising the prospective customer that:

(i) signing another person's name to the statement required under this subdivision may subject the person to a civil monetary penalty of not more than one thousand dollars (\$1,000); and

(ii) purchasing cigarettes by a person less than ~~eighteen (18)~~ twenty-one (21) years of age is a Class C infraction under IC 35-46-1-10.5;

(C) confirming that the cigarette order was placed by the prospective customer;

(D) providing a warning under 15 U.S.C. 1333(a)(1); and

(E) stating the sale of cigarettes by delivery sale is a taxable event for purposes of IC 6-7-1;

(2) makes a good faith effort to verify the information in the written statement obtained under subdivision (1) by using a federal or commercially available data base; and

(3) receives payment for the delivery sale by a credit or debit card issued in the name of the prospective purchaser.

SECTION 3. IC 24-3-5-5, AS AMENDED BY P.L.160-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) A merchant who mails or ships cigarettes as part of a delivery sale shall:

(1) use a mailing or shipping service that requires the customer or a person at least ~~eighteen (18)~~ twenty-one (21) years of age who is designated by the customer to:

- (A) sign to accept delivery of the cigarettes; and
- (B) present a valid operator's license issued under IC 9-24-3 or an identification card issued under IC 9-24-16 if the customer or the customer's designee, in the opinion of the delivery agent or employee of the mailing or shipping service, appears to be less than twenty-seven (27) years of age;

(2) provide to the mailing or shipping service used under subdivision (1) proof of compliance with section 6(a) of this chapter; and

(3) include the following statement in bold type or capital letters on an invoice or shipping document:

INDIANA LAW PROHIBITS THE MAILING OR SHIPPING OF CIGARETTES TO A PERSON LESS THAN ~~EIGHTEEN (18)~~ **TWENTY-ONE (21)** YEARS OF AGE AND REQUIRES PAYMENT OF ALL APPLICABLE TAXES.

(b) The commission may impose a civil penalty of not more than one thousand dollars (\$1,000) if a mailing or shipping service:

- (1) delivers cigarettes as part of a delivery sale without first receiving proof from the merchant of compliance with section 6(a) of this chapter; or
- (2) fails to obtain a signature and proof of identification of the customer or the customer's designee under subsection (a)(1).

The commission shall deposit amounts collected under this subsection into the youth tobacco education and enforcement fund established by IC 7.1-6-2-6.

(c) The following apply to a merchant that mails or ships cigarettes as part of a delivery sale without using a third party service as required by subsection (a)(1):

(1) The merchant shall require the customer or a person at least ~~eighteen (18)~~ **twenty-one (21)** years of age who is designated by the customer to:

- (A) sign to accept delivery of the cigarettes; and
- (B) present a valid operator's license issued under IC 9-24-3 or identification card issued under IC 9-24-16 if the customer or the customer's designee, in the opinion of the merchant or the merchant's employee making the delivery, appears to be less than twenty-seven (27) years of age.

(2) The commission may impose a civil penalty of not more than one thousand dollars (\$1,000) if the merchant:

- (A) delivers the cigarettes without first complying with section 6(a) of this chapter; or
- (B) fails to obtain a signature and proof of identification of the customer or the customer's designee under subdivision (1).

The commission shall deposit amounts collected under this subdivision into the youth tobacco education and enforcement fund established by IC 7.1-6-2-6.

SECTION 4. IC 24-3-5-8, AS AMENDED BY P.L.160-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. The commission may impose a civil penalty of not more one thousand dollars (\$1,000) on a:

- (1) customer who signs another person's name to a statement required under section 4(1) of this chapter; or
- (2) merchant who sells cigarettes by delivery sale to a person less than ~~eighteen (18)~~ **twenty-one (21)** years of age.

The commission shall deposit amounts collected under this section into the youth tobacco education and enforcement fund established by IC 7.1-6-2-6.

SECTION 5. IC 35-46-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 10. (a) A person who knowingly:

- (1) sells or distributes tobacco to a person less than

~~eighteen (18)~~ **twenty-one (21)** years of age; or

(2) purchases tobacco for delivery to another person who is less than ~~eighteen (18)~~ **twenty-one (21)** years of age; commits a Class C infraction. For a sale to take place under this section, the buyer must pay the seller for the tobacco product.

(b) It is not a defense that the person to whom the tobacco was sold or distributed did not smoke, chew, or otherwise consume the tobacco.

(c) The following defenses are available to a person accused of selling or distributing tobacco to a person who is less than ~~eighteen (18)~~ **twenty-one (21)** years of age:

(1) The buyer or recipient produced a driver's license bearing the purchaser's or recipient's photograph, showing that the purchaser or recipient was of legal age to make the purchase.

(2) The buyer or recipient produced a photographic identification card issued under IC 9-24-16-1, or a similar card issued under the laws of another state or the federal government, showing that the purchaser or recipient was of legal age to make the purchase.

(3) The appearance of the purchaser or recipient was such that an ordinary prudent person would believe that the purchaser or recipient was not less than the age that complies with regulations promulgated by the federal Food and Drug Administration.

(d) It is a defense that the accused person sold or delivered the tobacco to a person who acted in the ordinary course of employment or a business concerning tobacco:

- (1) agriculture;
- (2) processing;
- (3) transporting;
- (4) wholesaling; or
- (5) retailing.

(e) As used in this section, "distribute" means to give tobacco to another person as a means of promoting, advertising, or marketing the tobacco to the general public.

(f) Unless a person buys or receives tobacco under the direction of a law enforcement officer as part of an enforcement action, a person who sells or distributes tobacco is not liable for a violation of this section unless the person less than ~~eighteen (18)~~ **twenty-one (21)** years of age who bought or received the tobacco is issued a citation or summons under section 10.5 of this chapter.

(g) Notwithstanding IC 34-28-5-4(c), civil penalties collected under this section must be deposited in the Richard D. Doyle youth tobacco education and enforcement fund (IC 7.1-6-2-6).

SECTION 6. IC 35-46-1-10.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 10.2. (a) A retail establishment that sells or distributes tobacco to a person less than ~~eighteen (18)~~ **twenty-one (21)** years of age commits a Class C infraction. For a sale to take place under this section, the buyer must pay the retail establishment for the tobacco product. Notwithstanding IC 34-28-5-4(c), a civil judgment for an infraction committed under this section must be imposed as follows:

(1) If the retail establishment at that specific business location has not been issued a citation or summons for a violation of this section in the previous ninety (90) days, a civil penalty of fifty dollars (\$50).

(2) If the retail establishment at that specific business location has had one (1) citation or summons issued for a violation of this section in the previous ninety (90) days, a civil penalty of one hundred dollars (\$100).

(3) If the retail establishment at that specific business location has had two (2) citations or summonses issued for a violation of this section in the previous ninety (90) days, a civil penalty of two hundred fifty dollars (\$250).

(4) If the retail establishment at that specific business location has had three (3) or more citations or summonses

issued for a violation of this section in the previous ninety (90) days, a civil penalty of five hundred dollars (\$500).

A retail establishment may not be issued a citation or summons for a violation of this section more than once every twenty-four (24) hours for each specific business location.

(b) It is not a defense that the person to whom the tobacco was sold or distributed did not smoke, chew, or otherwise consume the tobacco.

(c) The following defenses are available to a retail establishment accused of selling or distributing tobacco to a person who is less than ~~eighteen (18)~~ **twenty-one (21)** years of age:

(1) The buyer or recipient produced a driver's license bearing the purchaser's or recipient's photograph showing that the purchaser or recipient was of legal age to make the purchase.

(2) The buyer or recipient produced a photographic identification card issued under IC 9-24-16-1 or a similar card issued under the laws of another state or the federal government showing that the purchaser or recipient was of legal age to make the purchase.

(3) The appearance of the purchaser or recipient was such that an ordinary prudent person would believe that the purchaser or recipient was not less than the age that complies with regulations promulgated by the federal Food and Drug Administration.

(d) It is a defense that the accused retail establishment sold or delivered the tobacco to a person who acted in the ordinary course of employment or a business concerning tobacco:

- (1) agriculture;
- (2) processing;
- (3) transporting;
- (4) wholesaling; or
- (5) retailing.

(e) As used in this section, "distribute" means to give tobacco to another person as a means of promoting, advertising, or marketing the tobacco to the general public.

(f) Unless a person buys or receives tobacco under the direction of a law enforcement officer as part of an enforcement action, a retail establishment that sells or distributes tobacco is not liable for a violation of this section unless the person less than ~~eighteen (18)~~ **twenty-one (21)** years of age who bought or received the tobacco is issued a citation or summons under section 10.5 of this chapter.

(g) Notwithstanding IC 34-28-5-5(c), civil penalties collected under this section must be deposited in the Richard D. Doyle youth tobacco education and enforcement fund (IC 7.1-6-2-6).

(h) A person who violates subsection (a) at least six (6) times in any six (6) month period commits habitual illegal sale of tobacco, a Class B infraction.

SECTION 7. IC 35-46-1-10.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 10.5. (a) A person less than ~~eighteen (18)~~ **twenty-one (21)** years of age who:

- (1) purchases tobacco;
- (2) accepts tobacco for personal use; or
- (3) possesses tobacco on ~~his~~ **the person's** person;

commits a Class C infraction.

(b) It is a defense under subsection (a) that the accused person acted in the ordinary course of employment in a business concerning tobacco:

- (1) agriculture;
- (2) processing;
- (3) transporting;
- (4) wholesaling; or
- (5) retailing.

SECTION 8. IC 35-46-1-11.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11.7. (a) A retail establishment that has as its primary purpose the sale of tobacco products may not allow an individual who is less than ~~eighteen~~

~~(18)~~ **twenty-one (21)** years of age to enter the retail establishment.

(b) An individual who is less than ~~eighteen (18)~~ **twenty-one (21)** years of age may not enter a retail establishment described in subsection (a).

(c) A retail establishment described in subsection (a) must conspicuously post on all entrances to the retail establishment a sign in boldface type that states "NOTICE: It is unlawful for a person less than ~~18~~ **21** years old to enter this store."

(d) A person who violates this section commits a Class C infraction. Notwithstanding IC 34-28-5-4(c), a civil judgment for an infraction committed under this section must be imposed as follows:

(1) If the person has not been cited for a violation of this section in the previous ninety (90) days, a civil penalty of fifty dollars (\$50).

(2) If the person has had one (1) violation in the previous ninety (90) days, a civil penalty of one hundred dollars (\$100).

(3) If the person has had two (2) violations in the previous ninety (90) days, a civil penalty of two hundred fifty dollars (\$250).

(4) If the person has had three (3) or more violations in the previous ninety (90) days, a civil penalty of five hundred dollars (\$500).

A person may not be cited more than once every twenty-four (24) hours.

(e) Notwithstanding IC 34-28-5-5(c), civil penalties collected under this section must be deposited in the Richard D. Doyle youth tobacco education and enforcement fund established under IC 7.1-6-2-6.

SECTION 9. IC 35-46-1-11.8, AS ADDED BY P.L.37-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11.8. (a) As used in this section, "self-service display" means a display that contains cigarettes in an area where a customer:

- (1) is permitted; and
- (2) has access to the cigarettes without assistance from a sales person.

(b) This section does not apply to a self-service display located in a retail establishment that:

- (1) has a primary purpose to sell cigarettes; and
- (2) prohibits entry by persons who are less than ~~eighteen~~ **(18) twenty-one (21)** years of age.

(c) The owner of a retail establishment that sells or distributes cigarettes through a self-service display, other than a coin operated machine operated under IC 35-46-1-11 or IC 35-46-1-11.5, commits a Class C infraction.

(d) Notwithstanding IC 34-28-5-5(c), civil penalties collected under this section must be deposited in the Richard D. Doyle youth tobacco education and enforcement fund (IC 7.1-6-2-6).

SECTION 10. [EFFECTIVE JULY 1, 2008] (a) As used in this SECTION, "distribute" means to give a tobacco product to another person as a means of promoting, advertising, or marketing the tobacco product to the general public.

(b) As used in this SECTION, "tobacco products" has the meaning set forth in IC 7.1-6-1-3.

(c) Notwithstanding IC 24-3-5-4(1)(B)(ii), IC 24-3-5-5, and IC 24-3-5-8, all as amended by this act, the notice, mailing, shipping, customer designation, and penalty requirements that apply to a person who is less than twenty-one (21) years of age apply to a person who on June 30, 2008, is less than eighteen (18) years of age.

(d) Notwithstanding IC 35-46-1-10, IC 35-46-1-10.2, IC 35-46-1-10.5, IC 35-46-1-11.7, and IC 35-46-1-11.8, all as amended by this act:

- (1) a person who on June 30, 2008, is at least eighteen (18) years of age may purchase and possess tobacco products; and

(2) a merchant or retailer may:

(A) sell or distribute tobacco products;

(B) allow entry into a retail establishment that has as its primary purpose the sale of tobacco products; and

(C) allow access to a self-service cigarette display; to a person who on June 30, 2008, is at least eighteen (18) years of age.

(e) This SECTION expires July 1, 2011."

Renumber all SECTIONS consecutively.

(Reference is to ESB 28 as printed February 15, 2008.)

THOMPSON

Motion failed. The bill was ordered engrossed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 10

Representative L. Lawson called down Engrossed Senate Bill 10 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 215: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 42

Representative C. Brown called down Engrossed Senate Bill 42 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 216: yeas 51, nays 49. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 249

Representative C. Brown called down Engrossed Senate Bill 249 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 217: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, February 26, 2008 at 9:30 a.m.

PELATH

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I hereby transmit Senate Enrolled Act 190 for

signature of the Speaker of the House.

MARY C. MENDEL

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 43 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL

Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 15

The Speaker handed down Senate Concurrent Resolution 15, sponsored by Representative Goodin:

A CONCURRENT RESOLUTION honoring the City of Charlestown, Indiana on the 200th anniversary of its founding.

Whereas, The City of Charlestown is located within the original Clark's Grant, which was a portion of the Northwest Territory awarded to General George Rogers Clark and his men for their valor and success in the Revolutionary War;

Whereas, In 1800, Clark's Grant became a part of the Indiana Territory under Indiana Territorial Governor William Henry Harrison;

Whereas, The City of Charlestown was founded in 1808 on ninety acres comprised of 149 lots and named after one of the surveyors, Charles Beggs;

Whereas, The City of Charlestown was the home of Indiana's first Governor, Jonathan Jennings, who served as Governor from 1816-1822 after he served in the United States House of Representatives as a Delegate from the Territory of Indiana from 1809-1816, and Governor Jennings is buried in the City of Charlestown;

Whereas, The City of Charlestown was the seat of the Grand Lodge of Indiana in its first year, 1818;

Whereas, In 1940, the City of Charlestown was selected as the location for the Indiana Army Ammunition Plant, which produced smokeless powder for use in World War II, the Korean War, and the Viet Nam War;

Whereas, In 1998, the United States Congress conveyed the Indiana Army Ammunition Plant to the Indiana Department of Natural Resources to enlarge the Charlestown State Park and the Clark County Reuse Authority for industrial development;

Whereas, The City of Charlestown has provided homes, business and social opportunities to thousands of Hoosiers for two hundred years: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. The Indiana General Assembly honors the invaluable contribution the City of Charlestown has made to the citizens and State of Indiana and congratulates the City of Charlestown on its bicentennial celebration.

SECTION 2. That the Secretary of the Senate is directed to transmit a copy of this resolution to the elected representatives of the City of Charlestown.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 23

The Speaker handed down Senate Concurrent Resolution 23, sponsored by Representatives Noe, Orentlicher, and Torr:

A CONCURRENT RESOLUTION congratulating Natalie Ciresi on winning the "What Indiana Means to Me" Essay Contest.

Whereas, 750 fourth grade students across the State of Indiana participated in the "What Indiana Means to Me" Essay Contest;

Whereas, In determining the contest winner, the judges considered whether the contestant's essay specifically answered the question "What Indiana Means to Me", whether the contestant based their essay on personal experiences, and whether the contestant had a unique perspective;

Whereas, Having visited 47 different states, ten-year-old Natalie Ciresi, a fourth grader at West Clay Elementary School in Carmel, conveyed her steadfast belief that Indiana is " the best place in the world to live";

Whereas, Of the numerous well-written essays received from across Indiana, Natalie's essay emerged as the best. As the winner of the essay contest, Natalie was invited to recite her essay to an audience of fellow students, parents, and teachers in the Indiana State House for the annual Statehood Day Celebration in honor of Indiana's 191st birthday; and

Whereas, At this celebration, Natalie was congratulated with a handshake from Governor Mitch Daniels: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates Natalie Ciresi on winning the "What Indiana Means to Me" Essay Contest.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Natalie Ciresi and her family.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 43

The Speaker handed down Senate Concurrent Resolution 43, sponsored by Representatives Klinker, Koch, Avery, and Hoy:

A CONCURRENT RESOLUTION congratulating the Indiana Community Arts Leadership Award Recipients for 2008.

Whereas, The Indiana Coalition for the Arts Foundation represents hundreds of individuals, nonprofit organizations, and arts-related businesses from all over the State of Indiana;

Whereas, The arts promote local economic activity through arts-related spending and cultural tourism. Indiana is home to 7,900 arts-related businesses that employ over 50,000 Hoosiers and generate over one billion dollars in local economic activity;

Whereas, The Indiana Community Arts Leadership Award honors individuals who, through their donations of time, resources or leadership, have been instrumental in creating, promoting, or developing local arts activities in their communities;

Whereas, This year's Community Arts Leadership Award recipients include: Outstanding Arts Administrator, presented to Phillip Colglazier of Fort Wayne; Outstanding Arts Advocate, presented to Bart Peterson of Indianapolis; Outstanding Arts Educator, presented to Terry Whitt Bailey of Muncie; and Outstanding Arts Volunteer Leader, presented to Linda Vanderkolk of Lafayette; and

Whereas, This year's recipients are all outstanding citizens who commit their time and talents to make a difference in their communities. Their efforts to enrich the cultural and artistic landscape of Indiana inspire us and are worthy of recognition: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates the Indiana Community Arts Leadership Award Recipients for 2008.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Chairman of the Indiana Coalition for the Arts Foundation, Wieke Benjamin, and the recipients of the Indiana Community Arts Leadership Award.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that Representative Grubb be removed as sponsor of Engrossed Senate Bill 89 and Representative Bardon be substituted as sponsor.

GRUBB

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three cosponsors and that Representative Reske be added as cosponsor of Engrossed Senate Bill 335.

TINCHER

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three cosponsors and that Representative Reske be added as cosponsor of Engrossed Senate Bill 345.

NIEZGODSKI

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

On the motion of Representative Steuerwald, the House adjourned at 1:35 p.m., this twenty-fifth day of February, 2008, until Tuesday, February 26, 2008, at 9:30 a.m.

B. PATRICK BAUER
Speaker of the House of Representatives

CLINTON McKAY
Principal Clerk of the House of Representatives